

REMARKS

Claims 1-19, 22-27 and 29-31 are pending in this patent application. Claims 1, 6, 8, 9, 11, 14, 18, 19, 22, 24, 27 and 31 are currently amended. Claim 21 is cancelled; claims 20 and 28 were previously cancelled.

Claim 1 was objected to due to informalities. These informalities, and noted informalities in other claims, have been corrected by the amendment herein.

Claims 1-5, 7-11, 14, 16 and 21 stand rejected as anticipated by Doppelt. Applicant respectfully requests reconsideration of this rejection as it pertains to claim 1, in view of the following remarks.

Applicant's claims require, *inter alia*, a biopsy needle instrument including a single hollow tube configured for both cutting and receiving a bone marrow tissue sample and having an outer wall configured to contact the bone marrow tissue. Doppelt does not teach or fairly suggest such a tube.

Instead, Doppelt describes a biopsy instrument including a drill that consists of two cooperating tubes – an outer retaining sheath and an inner retaining sheath. The outer retaining sheath and inner retaining sheath include complimentary cutting teeth 56, 70, which combine to form a single set of teeth as shown in Fig. 12 (col. 4, lines 32-45.) Thus, the outer retaining sheath and inner retaining sheath cooperate to cut a bone sample, which is received by the inner retaining sheath. The inner retaining sheath includes two halves that are separable, allowing removal of the sample. (See, e.g., col. 2, lines 34-47.)

Thus, the outer retaining sheath cannot fairly be interpreted as Applicant's claimed "single hollow tube," because the outer retaining sheath is not configured to receive a bone marrow tissue sample. The inner retaining sheath cannot fairly be interpreted as Applicant's claimed "single hollow tube," because the inner retaining sheath does not include an outer wall configured to contact the bone marrow tissue.

Thus, Applicant's claims are not anticipated by Doppelt.

Claim 17 stands rejected as being unpatentable over Doppelt in view of Baldridge, and claim 19 stands rejected as being unpatentable over Doppelt in view of Islam. It is submitted

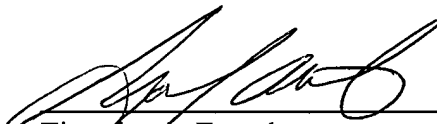
that these claims are patentable for at least the reasons discussed above with respect to claim 1. In his Background, Doppelt outlines a number of problems that he believes result from receiving a bone specimen within the tube that cuts the specimen (col. 1, lines 16-55). Doppelt addresses these perceived problems by providing a separate inner receiving sheath, as discussed above. Thus, it would not have been obvious to modify the biopsy instruments described by Doppelt to include a single hollow tube as claimed by Applicant.

On this basis, we submit that this application is now in condition for allowance. Early favorable action is solicited.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: March 12, 2004



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